

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                              Case No. 05-CV-658-GKF-SAJ  
                                )  
PATRICIA DAVIS and WELLS FARGO )  
HOME MORTGAGE,                 )  
                                )  
Defendants,                 )  
                                )  
LLOYD PHILLIPS, a/k/a PHILLIP O. )  
PHILLIPS,                     )  
                                )  
Third-Party                 )  
Defendant,                 )  
                                )  
AND                         )  
                                )  
WELLS FARGO HOME MORTGAGE, )  
                                )  
Counter-Claimant             )  
and Third-Party             )  
Plaintiff,                 )  
                                )  
vs.                         )  
                                )  
WAGONER COUNTY ABSTRACT )  
COMPANY,                     )  
                                )  
Third-Party Defendant,     )  
                                )  
AND                         )  
                                )  
PATRICIA DAVIS,             )  
                                )  
Third-Party Plaintiff,     )  
                                )  
vs.                         )  
                                )  
WAGONER COUNTY ABSTRACT )  
COMPANY,                     )  
LLOYD PHILLIPS and BARBARA )

PHILLIPS, )  
                  )  
                  )  
Third-Party Defendants, )  
                  )  
                  )  
AND )  
                  )  
                  )  
WAGONER COUNTY ABSTRACT )  
COMPANY )  
                  )  
                  )  
Third-Party Plaintiff, )  
                  )  
                  )  
vs. )  
                  )  
                  )  
LLOYD PHILLIPS and BARBARA )  
PHILLIPS, )  
                  )  
                  )  
Third-Party Defendants. )

**OPINION AND ORDER**

Before the court is the Report and Recommendation by Magistrate Judge Sam A. Joyner [Dkt. #108] as it pertains to plaintiff's Motion for Default Judgment Against Third-Party Defendant Lloyd Phillips [Dkt. #64].

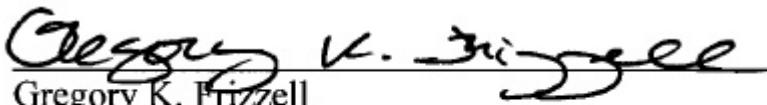
"A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

In the Report and Recommendation, the magistrate judge recommended the Motion for Default Judgment be granted. [Dkt. #108, Report and Recommendation, p. 2-3]. No objections to this recommendation have been filed. Upon review, the court accepts the recommendation that plaintiff's Motion for Default Judgment Against Third-Party Defendant Lloyd Phillips should be granted.

The portions of the Report and Recommendations pertaining to plaintiff's motions to strike are moot in that plaintiff formally withdrew the motions as moot in its Notice of Settlement and Withdrawal of Motions [Dkt. #128].

**WHEREFORE**, the Report and Recommendation by Magistrate Judge Sam A. Joyner [Dkt. # 108] as it pertains to plaintiff's Motion for Default Judgment Against Third-Party Defendant Lloyd Phillips is accepted and the Motion for Default Judgment Against Third-Party Defendant Lloyd Phillips [Dkt. #64] is granted. The Report and Recommendation is otherwise moot. Plaintiff is hereby directed to prepare and submit a proposed Judgment against the defaulting party.

**IT IS SO ORDERED** this 21<sup>st</sup> day of September 2007.

  
Gregory K. Frizzell  
United States District Judge  
Northern District of Oklahoma